

John Boehner
Chairman
8th District, Ohio

House Meets at 11:00 a.m. for Legislative Business

Anticipated Floor Action:

H.Res. 93—Expressing the Sense of Congress Regarding the Consumer Price Index (Vote Only)

H.R. 2—Housing Opportunity and Responsibility Act

H.R. 478—Flood Prevention and Family Protection Act

H.R. 3—Juvenile Crime Control Act



H.Res. 93—Expressing the Sense of Congress Regarding the Consumer Price Index

Floor Situation: The House will vote on the H.Res. 93 as its first order of business today. Yesterday, the House completed debate on the measure under suspension of the rules. The bill requires a two-thirds majority vote for passage.

Summary: The resolution expresses the sense of Congress that if the methodology used to determine the consumer price index (CPI) needs to be changed, the changes should be made only by the Bureau of Labor Statistics. Supporters of the resolution argue that the CPI is only useful if it is a technical measurement and not a political measurement, and that the Bureau of Labor Statistics has the expertise and resources to maintain the CPI's technical integrity and objectivity. The resolution was introduced by Messrs. Fox, Kennedy (RI), English, and Mrs. Maloney (NY), and was not considered by a committee.

Additional Information: See *Legislative Digest*, Vol. XXVI, #12, May 2, 1997.



H.R. 2—Housing Opportunity and Responsibility Act

Floor Situation: The House will continue consideration of H.R. 2 after it votes on H.Res. 93. Yesterday, the House completed consideration of amendments to Title I and began considering amendments to Title II under an open rule. The rule waives House rules which (1) require that committee reports be available for three days prior to consideration, (2) require a CBO cost estimate in the committee report, and (3) prohibit appropriations in a legislative bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 replaces the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework. The bill consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers. It creates new rental assistance programs very similar to vouchers, known as “Choice-Based Housing Assistance,” which provide rental assistance for a single year at a time (currently, most vouchers provide assistance for two years) and allow families to use their vouchers for housing anywhere in the United States.

The bill also:

- * deregulates the public housing system by giving more decision making responsibilities to the nation’s 3,400 public housing authorities (PHAs);
- * repeals the so-called “Brooke Amendment” and allows recipients to pay either a flat rent or an amount up to 30 percent of their income;
- * requires able-bodied individuals who live in public housing or who receive rental assistance to contribute eight hours of community service per month or participate in an accepted economic self-sufficiency program (e.g., job training);
- * authorizes HUD to issue rules prohibiting businesses from charging excessive and unnecessary fees (such as advice) to senior citizens when obtaining FHA-insured reverse mortgages;
- * requires that up to 35 percent of residents have incomes at or below 30 percent of area median income (65 percent of new tenants may be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income); and
- * makes federal housing grants through the Department of Housing and Urban Development (HUD) available to local governments to implement locally-developed proposals upon HUD’s approval of the plan.

The bill authorizes \$8 billion for approximately 37 percent of programs under HUD’s jurisdiction for the next five fiscal years. CBO estimates that enactment will result in net new discretionary outlays of \$42.6 billion over the next five years. H.R. 2 was introduced by Mr. Lazio and was reported by the Banking & Financial Services Committee by a vote of 28-19 on April 23, 1997.

Amendments: The House will vote on the following amendment to H.R. 2 which was considered but not voted on yesterday:

- * an amendment by **Mr. Frank** (#5) to strike the provision in the bill that gives public housing tenants the choice to pay a flat rate for rent. The bill allows renters to choose to pay between a flat rate or up to 30 percent of their income for rent. The member argues that the only tenants who choose a flat rate, which often will be higher than the 30 percent rate, will do so because they are not informed of their options. **Staff Contact: Marcia Kuntz, x5-5931**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2:

Title II — Public Housing

Mr. Delay may offer an amendment (#2) to place a two-year time limit on public housing subsidies to tenants who also receive welfare assistance. The amendment stipulates that tenants cannot simultaneously receive welfare benefits and public housing subsidies for more than two years (unless the tenant finds a job involving at least 20 hours of work a week) and encourages PHAs to replace families who have exceeded the time limit with other welfare recipients or working families who are on the waiting list. The amendment exempts working families, the elderly, the disabled, and families who have a job in the private sector from the two-year time limit. For families who reach the two-year time limit and must leave their community to find employment, the amendment gives them preference in Section 8 housing in the community nearest to the new place of employment. **Staff Contact: Ralph Hellmann, x5-0197**

Mr. Frank (MA) may offer an amendment (#4) to authorize such sums as necessary (as determined by the HUD's performance funding system) for the PHA operating fund for FYs 1998-2002. Currently, the bill authorizes \$2.9 billion for the operating fund. The member argues that this will ensure that housing authorities will be able to base decisions concerning income mixes on public policy, and not on the need to generate revenue. **Staff Contact: Marcia Kuntz, x5-5931**

Ms. Jackson-Lee may offer an amendment (#30) to require PHAs to set preferences for at least 50 percent of available units for families who live in substandard housing, pay more than 50 percent of their income for rent, or are involuntarily displaced (i.e., homeless) at the time they are seeking housing assistance. The bill abolishes all current federal housing preferences. **Staff Contact: Oliver Kellman, x5-3816**

Mr. Moran (VA) may offer an amendment (#36 or #51) to allow PHAs with waiting list backlogs of one year or more to limit the duration of occupancy for any family that may includes an adult tenant who receives welfare assistance to five years of public housing assistance, with exceptions for the elderly, the disabled, and families with a working member. **Staff Contact: Tim Aiken, x5-4376**

Ms. Velazquez may offer an *en bloc* amendment (#43 or #44) to change the minimum monthly rent requirement from between \$25 to \$50 (as in the bill) to between \$0 and \$25 and give the HUD Secretary the authority to create categories for hardship exemptions to waive minimum rent requirements for tenants (under the bill, only local public housing authorities can make such exemptions). **Staff Contact: Catherine Cruz-Wojtasik, x5-2361**

Title III — Choice Based Housing and Homeownership Assistance

Mr. Kennedy (MA) may offer an amendment (#12) to alter the bill's assisted housing income targeting provisions. Currently, the bill reserves at least 40 percent of tenant-based Section 8 vouchers (renamed choice-based assistance in the bill) for families with incomes at or below 30 percent of the area median income, with the remainder going to families who earn up to 80 percent of area median income. The amendment requires that 75 percent of choice-based rental vouchers issued each year be provided to families with incomes below 30 percent of the area median income. It also requires that all choice-based assistance be reserved for families making less than 50 percent of the median area income, the same level mandated under current law. *Staff Contact: Scott Olson, x5-5111*

Ms. Jackson-Lee may offer an amendment (#32) to require PHAs to set federal preference rules (which the bill eliminates) for choice-based housing to favor families who live in substandard housing, pay more than 50 percent of their income for rent, or are involuntarily displaced (i.e., homeless) at the time they are seeking housing assistance. *Staff Contact: Oliver Kellman, x5-3816*

Mr. Nadler and Mr. Schumer may offer an amendment (#18 or #19) to authorize funding to renew all expiring Section 8 choice-based assistance and tenant-based assistance contracts for FYs 1998-2002. Furthermore, the amendment authorizes \$305 million annually to provide 50,000 new one-year choice-based vouchers under this title. The authorization language in the bill does not preclude new incremental assistance. The members argue that the Section 8 programs have been underfunded. *Staff Contacts: Zachery Katznelson (Nadler), x5-5635; Jim Kessler (Schumer), x5-6616*

Title IV — Home Rule Flexible Grant Option

Mr. Kennedy (MA) may offer an amendment (#13) to delete Title IV of the bill, which creates a local block grant option to allow local governments, upon HUD's approval, to receive federal assistance to develop and administer their own flexible low-income housing programs (otherwise, the funding is provided directly to the public housing authority). *Staff Contact: Scott Olson, x5-5111*

Title V — Accountability and Oversight of Public Housing Agencies

Mr. Vento may offer an amendment (#25) to strike provisions of the bill that create a Housing Evaluation and Accreditation Board to evaluate the performance of local housing authorities. The bill creates the 12-member board to conduct a six-month study of alternative methods to evaluate the performance of public housing agencies. The amendment eliminates the board but allows the study to be conducted by the HUD Secretary. *Staff Contact: Kristen Johnson, x5-6631*

Title VI — Repeals and Related Amendments

Mr. Gutierrez may offer an amendment (#7) to allow the owner of a Section 8 housing development, in which 15 percent of the tenants pay more than 60 percent of fair market value, to cap rent at 60 percent of fair market value. Once more than 40 percent of the tenants pay at least the 60

percent cap, the cap may no longer be offered to new tenants. The member argues that this amendment will encourage mixed income housing and build up low income communities. **Staff Contact:** *Laura Scharfenberg, x5-8203*

Mr. Smith (MI) may offer one of two amendments (#40 or #41) to require that local housing authorities establish a pet ownership policy, and express the sense of Congress that, in doing so, they consider the positive effects of pet ownership. Currently, the bill allows residents of public housing units to keep a common household pet (such as a cat or dog). **Staff Contact:** *Harrison Fox, x5-6276*

Title VII — Affordable Housing and Miscellaneous Provisions

Mr. McCollum may offer one of two amendments (#16 or #17) to (1) prohibit HUD from establishing a national occupancy standard (the bill currently contains a similar prohibition); (2) affirm the rights of the states to establish their own occupancy standards; and (3) set a national default standard in the absence of any state standards. The amendments differ in how they define the default standards in the absence of state standards. Amendment #16 establishes occupancy standard of two persons per bedroom, as defined in a 1991 HUD memo, while Amendment #17 establishes an occupancy standard of two persons plus infants per bedroom; the same standard currently in the bill. **Staff Contact:** *Jenn Hargon, x5-2176*

Other Amendments

Mr. Knollenberg may offer an amendment (#35) authorizes HUD to reveal certain income information received from the Social Security Administration (SSA) and the Internal Revenue Service (IRS) to a public housing authority in order to help fight fraud and abuse. The amendment intends to reduce the amount of fraud and abuse that exists when public housing tenants fail to properly report their income. **Staff Contact:** *Deron Zeppelin, x5-5802*

The Kennedy Substitute

Mr. Kennedy (MA) may offer an amendment in the nature of a substitute (#10) to (1) abolish the Brooke Amendment and allow tenants to pay a flat rent of up to 30 percent of their income, while allowing maximum rents; (2) establish a minimum rent of between \$0 and \$25 (the bill sets a minimum between \$25 and \$50) with mandated hardship exemptions for those families, including legal immigrants, who have lost any type of public assistance because of the 1996 welfare reform law; (3) require housing authorities to reserve 40 percent of public housing units for families with incomes at or below 30 percent of the area median income, while making 90 percent of units available to families with income at or below 60 percent of the area median income and the remaining 10 percent to families with incomes at or below 80 percent of the area median income (H.R. 2 requires that up to 65 percent of new tenants be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income. At least 35 percent of the remaining new resident’s would be those earning less than 30 percent of the median income in the area).

Furthermore, the substitute:

- * requires a housing authority to target 75 percent of its Section 8 tenant-based rental housing assistance to families with incomes at or below 30 percent of the area median income, and target all assistance toward families who make 50 percent or less of the area median income;
- * requires housing authorities to encourage the tenants to volunteer in their community;
- * authorizes the creation of a board within HUD to determine how to improve its methods of evaluating the performance of PHAs and raise those issues with Congress;
- * streamlines and consolidates the funding streams for public housing, establishing an operating fund to cover day-to-day operations and a capital fund to cover modernization expenses and other capital costs;
- * establishes a mixed-finance program so that PHAs can use their operating and capital funds in conjunction with other federal, state, local and conventional funds to make mixed-income housing;
- * merges the two tenant-based rental housing assistance programs (Section 8 certificate and voucher programs) into one tenant-based assistance program; and
- * expands the drug elimination program to permit formula-based funding to PHAs that demonstrate a need, based on crime data, to administer crime reduction programs, such as installing security systems in the developments or conducting after-hour programs for at-risk youth.

To list some of the major differences between the Kennedy substitute and H.R. 2, the substitute does *not* (1) repeal the 1937 Housing Act; (2) require public housing tenants to perform community service or sign self-sufficiency contracts, (3) create an accreditation board for PHAs, (4) require PHAs to establish market rents for each public housing unit, (5) create a local block grant, and (6) permit PHAs to meet their targeting requirements by increasing the number of low-income families in their tenant-based assistance programs above the mandated targeting requirement. ***Staff Contact: Nancy Libson or Angela Garcia, Housing Subcommittee Minority Staff, x5-7054***

Additional Information: See *Legislative Digest*, Vol. XXVI, #11, April 25, 1997.



H.R. 478—Flood Prevention and Family Protection Act

Floor Situation: The House will consider H.R. 478 after it completes consideration of H.R. 2. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and the ranking minority member of the Resources Committee. The rule makes in order a committee amendment in the nature of a substitute as base text and

grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 478 exempts certain flood prevention measures from enforcement provisions of the 1973 Endangered Species Act (ESA; *P.L.* 93-295). Specifically, the bill exempts repairs, maintenance, reconstruction, and operation of flood control facilities from ESA consultation requirements when project managers face an imminent threat to health and safety, must avert or cope with a natural catastrophe, or must comply with governmental health or safety requirements. The bill also amends the “takings” section of the ESA to stipulate that any action to address flood threats or damage (e.g., repairs, maintenance, and reconstruction) is not considered a “taking” of a species. In addition, the bill exempts maintenance, rehabilitation, repair, or replacement of a flood control project, including the operation of a facility in accordance with a federal license or permit, from the ESA’s consultation and “takings” requirements. CBO estimates that enactment will have no significant effect on the federal budget. H.R. 478 was introduced by Mr. Herger and ordered reported by the Resources Committee by a vote of 23-9.

Views:

Republican Leadership: Supports

Chairman Young: Supports

President Clinton: Threatened Veto

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 478:

Mr. Boehlert may offer an amendment (#1) in the nature of a substitute similar to the ESA exemption in H.R. 1469, the Disaster Recovery Act. Under current law, once the president declares an area a major disaster area, he may grant an exemption from the ESA consultation requirements for emergency repairs to flood control facilities. In February, President Clinton granted an ESA exemption to 42 counties in California that had been declared federal disaster areas. The substitute expands the exemption from the ESA’s consultation requirements to apply to all counties nationwide that need to repair flood control facilities damaged by floods in 1997. The substitute also exempts repairs to flood control facilities, such as preventative repairs, from the ESA’s consultation requirements when there is an imminent threat to human life and property. The exemption remains in effect until (1) the Assistant Secretary of the Army for Civil Works determines that all necessary repairs have been completed; or (2) until Dec. 31, 1998.

Supporters of the substitute argue that flooding damage was a result of unprecedented winter storms that overwhelmed reservoirs and levees—not ESA restrictions—and that H.R. 478 undermines federal programs that protect endangered species. They believe that the committee bill is too far-reaching in its scope and should be part of a broader debate on the proper role of the ESA. By allowing repairs to flood control facilities when there is an imminent threat to human life and property, the substitute encompasses a targeted effort to address problems highlighted by recent flooding without eviscerating protections for endangered wildlife.

Opponents counter that the substitute does not go far enough, allowing projects to be rebuilt only to their previous condition. Although funds may be available and improvements may be needed, existing levees cannot be improved or raised without going through the full ESA review process. The substitute does not protect officials from criminal or civil liability for the “take” of a protected

species while repairing flood control structures. In addition, the time limit imposed by the substitute is more restrictive than the current authority of the president to grant ESA waivers in current law. **Staff Contact:** *Natalie DiNicola, x5-3665*

Mr. Campbell may offer an amendment (#2) to limit the bill's exemption from ESA consultation and "takings" requirements. The amendment allows exemptions for maintenance or repairs to flood control projects, as well as facility operations, only when necessary to protect human life or to prevent the risk of serious property damage. **Contact:** *x5-2631*

Mr. Tauzin may offer an amendment (#3 or #4) to limit the bill's exemption from ESA consultation and "takings" requirements. The amendment exempts the operation of a facility in accordance with a federal license or permit only when necessary to protect human life or to prevent the risk of serious property damage. **Contact:** *x5-4031*

Additional Information: See *Legislative Digest*, Vol. XXVI, #12, May 2, 1997.



H.R. 3—Juvenile Crime Control Act

Floor Situation: The House will consider the rule and general debate only on H.R. 3 after it completes consideration of H.R. 478. Yesterday, the Rules Committee granted a modified closed rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Science Committee. The rule makes in order a committee amendment in the nature of a substitute as base text and waives points of order for failure to comply with House rules which prohibit appropriations on a legislative bill. It also makes in order eight amendments, to be considered in the order listed and for the amount of time specified in the Rules Committee report. The rule allows the Chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions. Descriptions of the amendments will be faxed to all Republican offices in a *FloorPrep* on Thursday.

Summary: H.R. 3 strengthens federal laws governing the prosecution juveniles in the federal court system and authorizes \$1.5 billion over three years for states to address rising juvenile crime rates. Specifically, the bill (1) amends federal procedures for prosecuting juveniles as adults in the federal juvenile justice system to create a presumption in favor of trying certain juveniles as adults; (2) creates a \$500 million per year block grant to fund programs that restore the effectiveness of state and local juvenile justice systems; (3) directs the Attorney General to establish an armed violent youth apprehension program; (4) allows 14-year or older juveniles who commit a serious federal violent felony or drug offense to be prosecuted as adults, and extends the option to prosecute 13-year olds as adults for the same reasons; (5) gives prosecutors increased authority to seek to charge juveniles as adults; (6) increases the types of sentences juvenile delinquents may receive; (7) mandates that the victim of a juvenile offender may not be excluded from the court room; and (8) increases flexibility in where juveniles may be held before trial. CBO estimates that enactment will result in additional discretionary spending of \$1.4 billion over five years. The bill was introduced by Mr. McCollum and was ordered reported by the Judiciary Committee by voice vote.

Views (on the overall bill):**Republican Leadership:** Supports**Chairman Hyde:** Supports**Clinton Administration:** No Position Available**Additional Information:** See *Legislative Digest*, Vol. XXVI, #12, May 2, 1997.

PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY
 NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER
 THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

 Brian Fortune: *Editor*

 S. Kevin Washington:
Senior Legislative Analyst

 Becci Clark, Melissa Decker,
 Jimmy Papadimitriu, Kevin Smith:
Legislative Analysts

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